

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH BENEFITS FUND; PIRELLI ARMSTRONG RETIREE MEDICAL BENEFITS TRUST; TEAMSTERS HEALTH & WELFARE FUND OF PHILADELPHIA AND VICINITY; PHILADELPHIA FEDERATION OF TEACHERS HEALTH AND WELFARE FUND; DISTRICT COUNCIL 37, AFSCME - HEALTH & SECURITY PLAN; JUNE SWAN; BERNARD GORTER; SHELLY CAMPBELL and CONSTANCE JORDAN,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri corporation, and McKESSON CORPORATION, a Delaware corporation,

Defendants.

Civil Action: 1:05-CV-11148-PBS

Judge Patti B. Saris

**MCKESSON CORPORATION'S MOTION TO DISMISS
THE RICO CLAIM OF THE PROPOSED U&C CLASS**

Pursuant to Federal Rules of Civil Procedure 9(b) and 12(c), Defendant McKesson Corporation respectfully moves this Court for dismissal of the RICO claim of the proposed U&C class. The grounds for this motion are stated in the accompanying Memorandum In Support Of McKesson Corporation's Motion To Dismiss The RICO Claim Of The Proposed U&C Class And Motion For Judgment On The Pleadings.

WHEREFORE, for the reasons set forth in the accompanying Memorandum, Defendant McKesson Corporation respectfully requests that the Court grant its motion to dismiss the U&C class's RICO claim and enter an Order:

- a. dismissing the RICO claim asserted by the proposed U&C class with prejudice; and
- b. providing such other and further relief as the Court deems just and proper.

REQUEST FOR ORAL ARGUMENT

Defendant McKesson Corporation believes that oral argument will assist the Court in deciding this motion, and respectfully requests that the Court hear oral argument on this motion.

Respectfully submitted,

McKesson Corporation
By its attorneys:

/s/ Lori A. Schechter

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Dated: December 13, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on December 13, 2007.

/s/ Lori A. Schechter
Lori A. Schechter

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Lori A. Schechter, counsel of record for defendant McKesson Corporation, hereby certify that I conferred with counsel for plaintiffs in an effort to resolve the dispute referred to in this motion, and that the parties have not been able to reach agreement with respect thereto.

/s/ Lori A. Schechter
Lori A. Schechter